

STATE OF INDIANA }
 } SS:
COUNTY OF HOWARD }

IN THE HOWARD COUNTY COURTS

2006 TERM

ORDER ADOPTING INTERIM RULES

Pursuant to inherent authority and the Indiana Rules of Court, Trial Rule 81, the Howard Circuit and Superior Courts hereby adopt and promulgate the attached Interim Local Rules.

The Clerk is direct to spread the Interim Local Rules of record in the Record of Judgments and Orders, and to provide a copy to the members of the Howard County Bar.

The Courts find that an emergency exists justifying deviation from the promulgation schedules of TR 81, for the reason that the Howard Superior Court IV, was created by the Indiana State Legislature in 2005, and came into existence on January 6, 2006, and that there is insufficient time to comply with the promulgation schedules. It is further noted that all of the attached rules, with the exception of Civil Rule 2 and Criminal Rule 5, both dealing with case allocations, are the current local rules.

Proper Notice will be given, and comments solicited for the adoption of Local Rules, in general, and for case allocation, in particular, within the appropriate schedule of TR 81. These Interim Local Rules shall remain in effect until the adoption of the Local Rules, and approval thereof by the Indiana Supreme Court pursuant to TR 81.

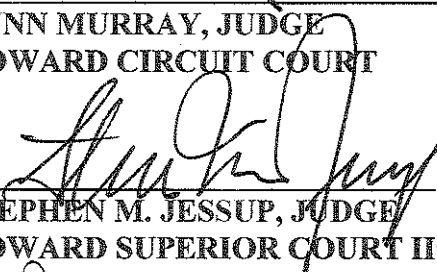
All of which is so Ordered this 6th day of January, 2006.



LYNN MURRAY, JUDGE
HOWARD CIRCUIT COURT



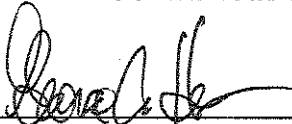
WILLIAM C. MENGES, JR, JUDGE
HOWARD SUPERIOR COURT I



STEPHEN M. JESSUP, JUDGE
HOWARD SUPERIOR COURT II¹



DOUGLAS A. TATE, JUDGE
HOWARD SUPERIOR COURT III



GEORGE A. HOPKINS, JUDGE
HOWARD SUPERIOR COURT IV

¹It should be noted that Judge Jessup voted against the adoption of Civil Rule 2 and Criminal Rule 5, but joins in issuing this ORDER in the interest of maintaining unanimity of the Courts in the adoption of Local Rules.

CIVIL RULE 1

SCOPE OF RULES

Pursuant to Trial Rule 81 of the Indiana Rules of Court, and except as otherwise provided, these rules govern the procedure and practice of the Circuit Court and the Superior Courts of Howard County.

The rules with no special designation shall govern all suits of a civil nature including small claims, except as otherwise provided in the rules designated “ Small Claims” or other Indiana rules governing small claims.

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Trial Procedure.

CIVIL RULE 2

ASSIGNMENT OF CASE FILINGS:

A. HOWARD CIRCUIT COURT: All Juvenile Matters, Adoptions, and other cases required by law to be filed in the Circuit Court shall be filed in the Howard Circuit Court.

B. HOWARD SUPERIOR COURTS I, II & IV: Mental Health Matters shall be filed in the Howard Superior Court I, the Howard Superior Court II or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk.

C. HOWARD SUPERIOR COURT III: Small Claims, Infractions, and Ordinance Violations shall be filed in The Howard Superior Court III.

B. OTHER CIVIL FILINGS: All other civil cases shall be filed in The Howard Circuit Court, the Howard Superior Court II, or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk, using a method which will result in thirty percent (30%) being filed in Circuit Court, and thirty-five percent (35%) being filed in Superior Court II, and thirty-five percent (35%) being filed in Superior Court IV.

CIVIL RULE 3

TRANSFER OF ACTION

It may, from time to time, be expedient for the Judges of Howard Circuit Court and Superior Courts to transfer cases between those courts. This shall be done with the consent of the two judges involved in the transfers, pursuant to I.C. 35-5-20.1-21 and I.C. 35-5-20.1-22. If such transfer is consummated, the time for taking a change of venue from the Judge shall be extended for a period of ten (10) days from the service of notice of such transfer or until such period expires pursuant to T.R. 76 or other applicable law.

CIVIL RULE 4

JUDGES SITTING IN EITHER COURT

It may, from time to time, be expedient for the Judges of Howard Circuit and Superior Courts to hear cases pending in another court.

The Judge of the Howard Circuit Court authorizes the Judges of the Howard Superior Courts to sit as Judge of the Howard Circuit Court, at any time, in any case.

The Judges of the Howard Superior Courts authorize the Judge of the Howard Circuit Court to sit as Judge of the Howard Superior Courts, at any time, in any case.

CIVIL RULE 5

APPEARANCE AND WITHDRAWAL

A. APPEARANCE: An appearance by counsel, or by a party appearing without an attorney shall be made in writing and filed with either the Clerk or the Court. It shall be in compliance with the Indiana Supreme Court Rules. A copy must be served on other counsel or parties. The Clerk shall note the appearance on the Chronological Case Summary.

B. WITHDRAWAL: All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his intention to withdraw and has filed a copy of the notice with the court, except in the following cases:

- (1) when another attorney has already filed an appearance for the same party; or
- (2) when the withdrawing attorney files a pleading indicating that he or she has been terminated from the case by the client; or
- (3) when the appearance of an attorney is deemed withdrawn upon conclusion of an action or matter.

The court will not grant a request to withdraw an appearance unless the same has been filed with the court at least ten (10) days prior to trial date, except for good cause. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of this requirement. All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct.

CIVIL RULE 6

PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS

A. PRODUCTION. Pleading, motions, and other paper shall be on white paper. All pleadings, copies, motions, and documents filed with the court, with the exception of exhibits and existing wills, shall be prepared on 8.5" x 11" paper. The lines shall be double spaced except for quotations, which shall be indented and single spaced.

B. TITLES. Titles on all pleadings shall delineate each topic included in the pleading, e.g. where a pleading contains an Answer, a Motion to Strike or Dismiss, or a Jury Request, each shall be set forth in the title.

CIVIL RULE 7

FILINGS

A. PLEADINGS. The entry of appearance and the filing of pleadings or other matters not requiring immediate Court action shall be filed with the Clerk. The Judge may, however, permit papers to be filed with the Court, in which event the filing date shall be noted thereon.

B. CHRONOLOGICAL CASE SUMMARY ENTRIES. Written pleadings presented for filing shall be accompanied by a proposed entry for the Chronological Case Summary. It shall contain the title and number of the case, the date, and exact entry to appear on the Chronological Case Summary. The proposed entry shall be signed by counsel.

C. COPIES TO SPECIAL JUDGES. When a Special Judge is selected, copies of all pleadings, motions, or briefs filed shall be mailed or delivered to the office of the Special Judge with certificate of forwarding same made a part of the original papers.

CIVIL RULE 8

CHANGE OF JUDGE

Purpose of Rule:

This rule is adopted to comply with the requirements of Trial Rule 79(h) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 5, and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Central Office Established:

There is established a Central Office for Keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Wabash Circuit Court.

The Howard County Courts shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. The particular Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge.

The person serving as Administrator of the Central Office shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.

3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring Court of the individual to be appointed under this Rule.

Rotation Schedule:

The following shall be the rotation schedule used by the Central Administrator.

1. The Judge of Cass Superior Court.
2. The Judge of the Wabash Circuit Court.
3. The Judge of the Howard Superior Court III.
4. The Judge of the Fulton Superior Court.
5. The Judge of the Howard Superior Court II.
6. The Judge of the Fulton Circuit Court.
7. The Judge of the Howard Circuit Court.
8. The Judge of the Tipton Circuit Court.
9. The Judge of the Miami Superior Court.
10. The Judge of the Howard Superior Court I.
11. The Judge of the Cass Circuit Court.
12. The Judge of the Wabash Superior Court.
13. The Judge of the Miami Circuit Court.
14. The Judge of the Cass Superior Court II.

Administrative Fee:

Each court participating under this Rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.

Certification to Supreme Court:

In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court, and that Court shall make appointment.

CIVIL RULE 9

PROPOSED ORDERS

Prior to entry by the court of Orders granting motions, applications or setting hearing dates, the moving party or applicant shall, unless the court directs otherwise, furnish the court with proposed Orders in the following matters:

1. Enlargement of Time
2. Continuance
3. Default Judgment
4. Compel Discovery
5. Dismissal
6. Appointment of Receiver
7. Appointment of Guardian
8. Restraining Order, Temporary or Permanent Injunction
9. Immediate Possession of Real Estate
10. Immediate Possession of Personal Property
11. Findings of Fact and Conclusions of Law
12. Foreclosure of a Mortgage or other Lien
13. Setting Hearing Dates
14. Such other Order, Judgments or Decrees as the Court may direct

All proposed Orders left with the Clerk or Court shall be submitted in sufficient numbers so that distribution may be made to all affected parties.

CIVIL RULE 10

MOTIONS

A. ORAL ARGUMENTS. The Court shall not hear oral arguments on motions unless required by the Indiana Rules of Procedure, requested by a party and allowed by the Court in its discretion, or at the request of the Court.

B. BRIEFS AND MEMORANDA REGARDING MOTIONS. If a party desires to file a brief and memorandum in support of any motion, such brief or memorandum shall accompany or be filed simultaneously with the motion, and a copy served on the adverse party. If the adverse party desires to file a brief or memorandum, the adverse party shall file it as ordered by the Court.

C. ENLARGEMENT OF TIME. An initial written motion for enlargement of time pursuant to Trial Rule 6(B)(1) to respond to a claim shall be automatically allowed for an additional 30 days from the date of filing by a written order of the Court except in matters denominated in the pleadings as emergency in nature. Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date, or this rule is inapplicable.

CIVIL RULE 11

CONTINUANCES

A motion for a continuance, unless made during the hearing of the cause, shall be for cause, in writing and verified. A motion for continuance shall be filed as soon after the cause for continuance is discovered by the moving party. The attorney's signature on a request for a continuance is considered a certification that the client has been notified of the request.

The motion shall contain a statement concerning notification to opposing counsel or to pro se party:

1. That other counsel/party has been contacted and has no objection.
2. That other counsel/party has been contacted and does object.
3. That other counsel/party has not been contacted after diligent effort.

CIVIL RULE 12

VOIR DIRE

A. EXAMINATION OF PANEL AS A WHOLE BY COURT: Unless otherwise directed, the entire panel of prospective jurors shall be sworn by the court. The court may conduct its own voir dire examination of the entire panel with a view primarily of establishing a basis for challenge for cause.

B. JURY QUESTIONNAIRES: Jury questionnaires shall be on file with the Bailiff or Security Officer and copies shall be made available to counsel, but it shall be the responsibility of counsel to obtain such copies from the Bailiff or Security Officer, and to review the same before the voir dire begins.

C. SUPPLEMENTAL EXAMINATION BY COUNSEL: Following examination by the court, counsel shall be permitted to supplement the court's examination on subjects not expressly covered by the court or the jury questionnaires. Questions shall be, so far as possible, directed to the entire panel seated in the jury box. The side with the burden of proof shall proceed first with such examination and the opposing side will then proceed.

D. PEREMPTORY CHALLENGES: After each side has completed its supplementary examination, peremptory challenges must then be made. Such challenges will be made in writing and submitted to the court. After submission to the court, the court will then advise the prospective jurors so challenged.

E. PEREMPTORY CHALLENGES OF SAME JUROR: A peremptory challenge of the same juror by both sides shall count against the number of challenges for each side.

CIVIL RULE 13

JURY INSTRUCTIONS

All requests for instructions tendered in accordance with Trial Rule 51 shall be in writing with citations on the Court's copy, to applicable authority. Reasonably anticipated final instructions shall be exchanged and filed with the Court as directed. Proposed preliminary instructions shall be exchanged and filed. The plaintiff in a civil matter shall prepare and exchange with opposing counsel a proposed preliminary instruction on the issues, which shall be included in the Pre-Trial Order. The Court shall, in the interest of justice, permit the tender of additional instructions during the trial on matters which could not have been reasonably anticipated in advance of trial. Such proposed instructions shall be no more than ten (10) in number from each party or in the case of multiple parties no more than fifteen (15) total.

CIVIL RULE 14

PRE-TRIAL CONFERENCE

A. WHEN. There shall be a pre-trial conference in every civil case scheduled for jury trial. In other cases, upon motions of any party or upon motion of the Court, a pre-trial conference may be held.

B. CERTIFICATE OF READINESS. Any party may request that a pre-trial conference be held or that the cause be set for trial if no pre-trial conference is required by filing a Certificate of Readiness, certifying to the Court that the cause is at issue; that discovery is completed or that discovery will be completed by the time of the pre-trial conference; that the cause is ready to be assigned for pre-trial conference or that a pretrial conference should be waived and the matter assigned for trial. If any party should oppose any matter contained in the Certificate of Readiness, he shall, within 10 days following receipt of a copy of the Certificate of Readiness, file with the Court, with service to all counsel of record, his verified objections citing in particular why the cause is not ready for pre-trial conference and trial. The Court may summarily rule on any verified objections or, upon written request, set the matter for hearing. If no objections are filed within the time prescribed or allowed, the Court will set the cause for pre-trial conference. Following a pre-trial conference and entry of a pre-trial order in a cause, if required, the cause shall be placed on the Court's calendar for trial.

C. PRE-PRETRIAL CONFERENCE. At least 10 days prior to the date set for pre-trial conference, the attorneys for all parties shall meet and/or confer for the purposes set forth in Trial Rule 16(C).

D. PRE-TRIAL ORDER. Following the pre-trial conference, a pre-trial order shall be prepared, signed, and filed as directed by the Court at the pre-trial conference. When signed by the Court and entered of record, the pre-trial order shall control the course of trial, and the pleadings will be deemed merged therein.

CIVIL RULE 15

TRIAL SETTINGS

Unless otherwise ordered by the court at the pre-trial conference, when more than one case is set for trial on a given date, the case set second shall be required to stand for trial if counsel is given five (5) days notice, excluding Saturday and Sunday, that the case first set will not be heard. Counsel for all other subsequent settings are required to communicate with each other and counsel for the first and second settings to determine priorities. They are also required to inform the court at least seven (7) days before the trial is scheduled to commence, excluding Saturday and Sunday, of the need to call a jury.

CIVIL RULE 16

DOMESTIC RELATIONS

A. WORKSHEET - CHILD SUPPORT OBLIGATION. A copy of the worksheet provided in the Indiana Child Support Guidelines shall be submitted to the Court in each case in which the Court is asked to determine support, including cases in which agreed orders are submitted. The worksheets shall be signed by both parties under penalties of perjury.

B. SCHEDULE OF ASSETS AND LIABILITIES. A schedule of assets and liabilities, together with copies of any and all inventories and appraisals, may be submitted to the Court prior to the beginning of a contested trial and copies served upon opposing counsel.

CIVIL RULE 16 (C)

PARENTING TIME

1. PARENTING TIME. It is the express preference of the Howard Circuit and Superior Courts that parenting time be defined simply as occurring “at all reasonable times and places”. Such parenting time means that parties take into consideration the schedules and economic and geographic circumstances of each other as well as the schedules and activities of the children.

2. PARENTING TIME GUIDELINES. The Indiana Supreme Court has adopted Parenting Time Guidelines. These guidelines are designed for those situations when the parties are unable to resolve “parenting time” without having specific guidelines. Consequently, if the parties cannot agree on parenting time, the Parenting Time Guidelines will be adopted unless the Court orders otherwise.

CIVIL RULE 17

EXHIBITS

Exhibits shall be presented to the reporter for marking prior to the beginning of the trial or during recess, to ensure that the trial is not delayed for the marking of exhibits.

The exhibits of plaintiffs, petitioners, or any other party who initiates an action shall be marked numerically as 1, 2, 3 etc. The exhibits of defendants, respondents, or any other party who responds to an action initiated by another shall be marked alphabetically as A, B, C etc. Where alphabetically marked exhibits exceed the letters in the alphabet, exhibits shall then be marked as AA, BB, CC, etc.

After being marked for identification and offered in evidence, all exhibits and proposed exhibits shall be placed in the custody of the reporter, who is responsible for their safekeeping unless otherwise ordered by the trial judge.

After a case has been decided and no appeal has been taken, or after all appeals are completed, if there has been no request for the return of such items within 90 days of final judgment, they may be disposed of by the reporter as the Court may direct.

Copies of all documentary exhibits shall be provided as follows: one for the Court: one for each party and one for each Juror.

CIVIL RULE 18

DOCUMENTS, FILES AND DEPOSITIONS

A. REMOVAL OF ORIGINAL PLEADINGS, PAPERS AND RECORDS. No person shall withdraw any original pleading, paper, or record from the custody of the clerk or other officer of the Court except after giving proper receipt.

CIVIL RULE 20

APPELLATE RECORD

When an appeal is initiated by the filing of a Notice of Appeal pursuant to Appellate Rule 9, and a transcript of all or any part of the evidence is sought for the record on appeal, counsel filing the Notice of Appeal shall deliver, contemporaneously and personally, a copy of the Notice of Appeal to the Court Reporter, advise the Court Reporter of the deadline for preparation of the records, and then make arrangements to pay the Court Reporter for preparation of the records.

CIVIL RULE 21

TRANSCRIPTS

Persons requesting transcripts shall make a deposit with the Court Reporter sufficient to cover the cost of the transcript at the time of the request unless other arrangements are made with the Court Reporter who is preparing the transcript.

CIVIL RULE 22

COURTROOM SECURITY

No person shall enter the courtroom or the court's chambers or environs in possession of a firearm or any type of knife, club, bomb, or explosive device or any other offensive weapon. This order does not apply to law enforcement officers in uniform or law enforcement officers in plain clothes, who publically display identification.

Violators will be found in contempt of court and punished according to applicable law.

CRIMINAL RULE 23

FACSIMILE TRANSMISSIONS

A. FILING BY ELECTRONIC FACSIMILE TRANSMISSION. Howard Circuit and Superior Courts authorizes the filing of pleadings, motions and other papers by electronic facsimile transmission, provided:

- (1.) such matter does not exceed ten (10) pages, including the cover sheet;
- (2.) such matter does not require the payment of fees
- (3.) The sending party creates at the time of transmission a machine generated log for such transmission; and
- (4.) the original document and the transmission log are maintained by the sending party for the duration of the litigation.

B. TIME OF FILING. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Court of Clerk of the Circuit and Superior Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

C. COVER SHEET. Any document sent to the Clerk or Court by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identify and voice telephone number of the sending party and instructions

for filing. The cover sheet shall contain the instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

D. DESIGNATED TELEPHONE NUMBER. The designated telephone number to receive electronic facsimile are as follows:

Howard Circuit Court (765) 456-2016

Howard Superior Court I (765) 456-2327

Howard Superior Court II (765) 456-2936

Howard Superior Court III (765) 456-7003

CIVIL RULE 24

COURT REPORTER

Section One. Definitions. The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services.

Equipment shall include, but not be limited to telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work Space* means that portion of the court's facilities dedicated to each court reporter including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked that are in excess of the regular hours worked and are in excess of forty (40) hours per work week.

(9) *Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, e.g. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Howard County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a

court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. Monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcript.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.

(5) That preparation of all transcripts shall be done outside of the work space and after regular work hours.

(6) Each court reporter shall report, at least on an annual basis, all transcripts fees received for the preparation of either county indigent, state indigent or private transcripts to the Indian Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the division of State Court Administration.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, work space and supplies;
- (b) The method by which records are to be kept for the use of equipment, work space and supplies, and;
- (c) The method by which the court reporter is to reimburse the

court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

CRIMINAL RULE 1

SCOPE OF RULES

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Trial Procedure.

CRIMINAL RULE 3

WITHDRAWAL OF APPEARANCE

In criminal cases, withdrawal of representation of a defendant, by an attorney, will be in compliance with IC 35-36-8-2. It will be considered after a hearing is conducted in open court, on record, in the presence of the defendant, unless another attorney has entered an appearance for the defendant.

Withdrawal of appearance may be allowed without compliance with the requirements of this rule, if the reason for withdrawal is the inability to locate and communicate with the defendant. In such event a warrant may be issued for the arrest of the defendant. Notice of withdrawal is required as per Local Civil Rule 5.

CRIMINAL RULE 4

WARRANTLESS ARRESTS

Any defendant held in custody by reason of a warrantless arrest, shall be brought before a judge for probable cause determination within forty-eight (48) hours following arrest. The probable cause determination may be made either by hearing or by affidavit(s).

When the judge has authorized release on bond before probable cause determination, the Sheriff shall give notice to the defendant of a court appearance date on the Report of Bonding form with a copy delivered to the court and prosecutor.

After determination of probable cause, the prosecutor shall file appropriate charges with the court within forty-eight (48) hours.

SMALL CLAIMS RULE 1

Attorneys of record are responsible for providing a proposed Order on all matters submitted where an Order is appropriate. The proposed Order may be at the bottom of the document submitted.

SMALL CLAIMS RULE 2

Motions to Continue will normally be granted only if the request indicates the position of the adverse party in regard to the continuance.

SMALL CLAIMS RULE 3

The first hearing date, as shown on the Notice of Claim, will generally be used to determine whether the Claim is contested. Witnesses are not required for this first setting. If the Claim is contested, a trial date will be scheduled. If the Defendant fails to appear at this first setting, a default judgment may be requested.